THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20241 of 1998

Dated: 06.07.2006

Between
1.B.V.Raghavulu and others.

…..Petitioners

and

1.The Executive Engineer,
Drainage Division,
Bhimavaram,
West Godavari District and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20241 of 1998

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not taking any action preventing the 6th respondent from proceeding with the construction of R.C.C. Bridge in between 0.50 Km to 0.60 Km on Bhimavaram U.T.Drain i.e., opposite to Montessori Public School, Bhimavaram, West Godavari District pursuant to the Lr.No.DB/D1/W.12B/78M dated 2.2.1999 issued by the 1st respondent as arbitrary and illegal.

The case of the petitioners is that even though the 1st respondent accorded permission for construction of R.C.C Bridge in between 2.00 Km and 2.14 Km, the 6th respondent has started making constructions in between 0.50 Km to 0.60 Km ie., exactly opposite to the Public School, where the children of the petitioners are studying contrary to the permission accorded by the 1st respondent on the ground that the width of the drain opposite the school is less. This action on the part of the respondents is detrimental and harmful to the lives of the innocent students of the school.

A detailed counter has been filed by the 1st respondent wherein it is asserted that the 6th respondent and others have started the bridge in between 2.00 Km and 2.14 Km only but not in between 0.50 Km to 0.60 Km as alleged by the petitioners. The allegation of the petitioners is false and not true. There is no

serious situation or serious hygienic problem and pollution to the atmosphere due to the construction of the bridge. There are many schools situated by the side of the Main roads itself and are not facing the traffic hazards. The action in permitting the 6th respondent and other ryots to construct the bridge across the drain is not detrimental and harmful to the lives of the innocent students.

The grievance of the petitioners that instead of constructing the bridge between 2.00 and 2.14 Km, 6th respondent is constructing the same between 0.50 Km to 0.60 Km is not true, in view of the counter filed by the respondent.

Therefore, nothing survives for adjudication in this writ petition and the same is accordingly dismissed.

_____

06.07.2006

rkk